

EXHIBIT E

Picard v Roman

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----)
SECURITIES INVESTOR PROTECTION) Adv. Pro. No.
CORPORATION,) 08-01789 (SMB)

)
Plaintiff-Applicant,)
)

)
v.)

)
BERNARD L. MADOFF INVESTMENT)
SECURITIES LLC,)

)
Defendant.)
-----)

In Re:)
)

)
BERNARD L. MADOFF INVESTMENT)
SECURITIES, LLC,)

)
Debtor.)
-----)

IRVING H. PICARD, Trustee for) Adv. Pro. No.
the Liquidation of Bernard L.) 10-04292 (SMB)
Madoff Investment Securities)
LLC,)

)
Plaintiff,)
)

)
v.)
)

)
ROBERT ROMAN,)
)

)
Defendant.)
-----)

VIDEOTAPED DEPOSITION OF ROBERT ROMAN

May 17, 2017

New York, New York

Reported by:

Eileen Mulvenna, CSR/RMR/CRR

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2

VIDEOTAPED DEPOSITION of ROBERT ROMAN,

3

a Defendant in the above-titled action, held at

4

45 Rockefeller Plaza, New York, New York, on May 17,

5

2017, commencing at approximately 9:30 a.m., before

6

Eileen Mulvenna, CSR/RMR/CRR, Certified Shorthand

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Reporter, Registered Merit Reporter, Certified

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Realtime Reporter, and Notary Public of the State of

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New York.

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2 A P P E A R A N C E S:

3 BAKERHOSTETLER LLP
4 Attorneys for Irving H. Picard, Trustee for the
5 Substantively Consolidated SIPA Liquidation of
6 Bernard L. Madoff Investment Securities LLC and
7 for the Estate of Bernard L. Madoff

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2

THE VIDEOGRAPHER: Good morning. We
are now on the record.

3

4

Today is Wednesday, May 17, 2017, and
the time is 9:34 a.m.

5

6

My name is Chris Johnson, the video
technician in association with Bendish
Reporting.

7

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This deposition is being held at the
office of BakerHostetler located at
45 Rockefeller Plaza, New York, New York.

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The caption of this case is Picard
versus Roman filed in the United States
Bankruptcy Court, Southern District of
New York, Adversary Proceeding
No. 08-01789 (SMB).

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The name of the witness is Robert
Roman.

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22

At this time, the attorneys present
will identify themselves and the parties they
represent, and then the court reporter,
Eileen Mulvenna, will swear in the witness.

23

24

25

MR. PROAÑO: David Proaño,
representing the plaintiff. With me is
Darren Crook.

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2 MS. CHAITMAN: Helen Davis Chaitman on
3 behalf of the witness.

4 ROBERT ROMAN,

5 having been duly sworn by Eileen Mulvenna,
6 a Notary Public of the State of New York,
7 was examined and testified as follows:

8 EXAMINATION

9 BY MR. PROAÑO:

10 Q. Mr. Roman, we represent Irving Picard,
11 the trustee appointed by the court to oversee the
12 liquidation of Bernard L. Madoff Investment
13 Securities, Inc.

14 Could you please state your name again
15 for the record.

16 A. Robert -- the full name is Robert
17 David Roman. I rarely use the middle name.

18 Q. And you're being represented by
19 counsel today?

20 A. Yes.

21 Q. Your counsel is Ms. Chaitman?

22 A. Yes.

23 MR. PROAÑO: Before we get started,
24 the court has issued a protective order in
25 this case. I have a copy of it here.

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2 (R. Roman Exhibit 1, No Bates numbers,
3 Undertaking and Consent to be Bound, marked
4 for identification.)

5 BY MR. PROAÑO:

6 Q. Which has been marked as Exhibit 1.
7 We provided a copy of this to your attorney, and one
8 of your counsel has signed it on your behalf. I
9 just want you to acknowledge for the record your
10 consent to be bound by the terms of this protective
11 order.

12 (Witness peruses the exhibit.)

13 MS. CHAITMAN: To my knowledge, you
14 haven't designated any material as
15 confidential and so -- the protective order
16 requires that you give me five days' notice,
17 and I didn't receive any notice. So there's
18 nothing for him to be bound by.

19 BY MR. PROAÑO:

20 Q. To the extent there are confidential
21 materials marked, I just want an acknowledgment that
22 you agree to be bound by the protective --

23 MS. CHAITMAN: But, again, you haven't
24 designated any documents confidential. I
25 just don't want to burden him with an

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2 obligation that is a -- not warranted. If
3 you -- if you -- I will forgive the five days
4 failure to notice if you show me a document
5 which is truly confidential. I'll talk to
6 him about it.

7 BY MR. PROAÑO:

8 Q. Is Ms. Allim one of your attorneys,
9 Mr. Roman?

10 A. Yes.

11 Q. And she signed this protective order?

12 A. Yes.

13 Q. Your counsel may object at times
14 during the deposition. If she does, let her finish
15 her objection before you answer so we can get a
16 clear record.

17 You should answer the question unless
18 your counsel specifically instructs you not answer.

19 Do you understand?

20 A. Yes.

21 Q. I'm handing you what's going to be
22 marked as Exhibit 2, which is the notice for your
23 deposition today.

24 (R. Roman Exhibit 2, No Bates numbers,
25 Revised Notice of Deposition, marked for

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2 identification.)

3 BY MR. PROAÑO:

4 Q. And are you here pursuant to this
5 notice of deposition?

6 A. Yes.

7 Q. Are you taking any medications or
8 other substances today that would alter your ability
9 to be truthful?

10 A. No.

11 Q. Preparing for this deposition, did you
12 meet or speak with anyone other than your counsel?

13 A. No.

14 Q. With respect to preparing with your
15 counsel -- please don't tell me what you and your
16 counsel discussed, but did you meet with your
17 counsel to prepare for today's deposition?

18 A. Yes.

19 Q. And how many times?

20 A. Once.

21 Q. Did you review any documents in the
22 course of that --

23 A. Yes.

24 Q. Do you recall what you reviewed?

25 A. There was one document relating to the

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2 balance when the account was opened. There was --
3 there was a disagreement as to what that opening
4 figure should be. And we did discuss that document.

5 MS. CHAITMAN: Please do not discuss
6 anything that was said.

7 THE WITNESS: Okay.

8 MS. CHAITMAN: He simply asked you
9 what documents you remember looking at.

10 BY MR. PROAÑO:

11 Q. And was that a document that you had
12 in your possession, or is that a document that came
13 from us?

14 A. I believe it came from you.

15 Q. Was it a schedule of transfers? Is
16 that the document you're remembering?

17 A. Yes.

18 Q. We'll mark this as Exhibit 3, which I
19 believe is the document you're referring to.

20 (R. Roman Exhibit 3, Bates Nos.

21 MADC0959_00000002, Spreadsheet, marked for
22 identification.)

23 THE WITNESS: Yes, this is the
24 document that we discussed.

25

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2 BY MR. PROAÑO:

3 Q. And I'll represent to you that this is
4 an exhibit to the complaint filed against you,
5 Exhibit B. There is, at the top there, a transfer
6 from account 1R3110 dated 7/25/1997 for about
7 1.2 million.

8 Do you see that?

9 A. Yes.

10 Q. That account, 1R003110, that was
11 previously your account at BLMIS?

12 A. I can't be certain of that. I did not
13 memorize my account numbers.

14 Q. And do you have any evidence to
15 dispute that line item there, that July 25th, 1997,
16 line item, the accuracy of it?

17 MS. CHAITMAN: I'm going to object to
18 the form because I don't think it's clear
19 what you're asking him.

20 MR. PROAÑO: Sure.

21 BY MR. PROAÑO:

22 Q. The line item there has a date of
23 July 25, 1997. And it reflects a transfer into this
24 account, which is 1R0148. At the top, you'll kind
25 of see it --

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2 A. I've been looking for that number.

3 Q. See where it --

4 A. 1R0148?

5 Q. See where it says -- it's right

6 under -- it says "page 24 of 29" at the top. Right

7 below that you'll see a little number, 1R0148.

8 A. No, I do not see that.

9 MS. CHAITMAN: It's printed over, but
10 it says --

11 THE WITNESS: Oh. I'm sorry. It's
12 blocked out by some other letters. I see,
13 yes. Okay.

14 BY MR. PROAÑO:

15 Q. Is 1R0148 the account you remember
16 having at BLMIS?

17 A. I don't remember my account numbers.

18 Q. Going back to this line item then,
19 assuming that's your account, line item that's dated
20 July 25, 1997, shows a transfer from an account
21 1R0031-1-0 in the amount of \$1,239,795.

22 Do you see that?

23 A. Yes, I see that.

24 Q. And do you have any basis to -- or any
25 evidence to dispute the accuracy of this information

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2 that approximately \$1.2 million was reported from --
3 as a transaction from that account?

4 A. I'm not in possession of any written
5 document to that figure.

6 Q. Do you have the possession of any
7 documents or evidence that contradicts that figure?

8 A. I can't be certain. I have looked.
9 To date I have not found any. That doesn't mean it
10 doesn't exist.

11 Q. If you do locate any, you'll certainly
12 produce it to us?

13 A. Yes.

14 Q. You were previously deposed by counsel
15 for the trustee pursuant to a Rule 2004 --

16 A. Yes.

17 Q. -- subpoena?

18 Do you remember that?

19 A. Yes.

20 Q. And that -- I'll represent to you your
21 deposition pursuant to that subpoena took place on
22 May 3rd, 2010.

23 Does that sound about right?

24 A. It sounds about right, yes.

25 Q. And did you ever take a look at the

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2 transcript that was made of that deposition?

3 A. At the time I received it, yes. I
4 have not looked at it since.

5 Q. Was there anything in that transcript
6 you recall being inaccurate or incomplete?

7 A. At the time I read it, back in 2010, I
8 did not find anything inaccurate.

9 Q. We're going to try at a break to get a
10 stipulation in from your counsel that the transcript
11 that we have here that we're going to mark as an
12 exhibit is an accurate transcript. But we might
13 come back if we can't get the stipulation.

14 MS. CHAITMAN: I have not read that
15 transcript. I mean, I -- I defended it, but
16 I wasn't -- I haven't read it since then.
17 I'm not able to stipulate today. You can put
18 that off or you can ask him whatever
19 questions you want, but I'm not going to have
20 time today to reread it.

21 MR. PROAÑO: Sure. We can revisit
22 that.

23 BY MR. PROAÑO:

24 Q. In your previous Rule 2004
25 examination, you indicated that you were retired.

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2 Are you still retired?

3 A. Yes.

4 Q. And do you have any plans to resume
5 work?

6 A. No.

7 Q. When was the last time you were
8 employed or had any kind of employment?

9 A. I gave up my insurance agency in
10 approximately 1993.

11 Q. And have you taken any employment
12 since that time?

13 A. No.

14 Q. And have you undertaken any jobs in
15 that time, any kind of work?

16 A. No.

17 Q. Were you at one time operating like a
18 taxi service to an airport?

19 A. There was -- it was not what I would
20 call a taxi service. I operated -- amongst friends.
21 It was never advertised. There was no advertising.
22 There was no business phone number. It was strictly
23 personal.

24 Q. Do you still reside at 2444 Northwest
25 59th Street, Apartment 301 --

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2 A. No.

3 Q. -- Boca Raton, Florida?

4 A. That apartment was sold two and a half
5 years ago.

6 Q. And where is your current residence?

7 A. My current residence is 111 Mandalay
8 Way, M-A-N-D-A-L-A-Y Way, Boynton Beach, Florida
9 33437.

10 Q. Do you reside with your spouse?

11 A. Yes.

12 Q. Do you reside with anyone else at that
13 address?

14 A. No.

15 Q. Do you recall what year you got an
16 account with BLMIS?

17 A. PLMIS -- B. I don't understand the
18 first part of the question.

19 Q. Oh, sure. When I say "BLMIS," do you
20 understand --

21 A. What I meant is you said "Do you
22 recall." I don't remember the first two words of
23 your sentence.

24 Q. Okay. Sorry if I'm soft-spoken. Let
25 me ask it again.

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2 Do you recall approximately which year
3 you first established an account at BLMIS?

4 A. Yes, I did miss that whole part.

5 Best of my recollection, 1962.

6 Q. And do you recall how that account was
7 initially funded?

8 A. Not really, no. No. I was very poor
9 in those days. On the other -- yeah. No, I don't
10 remember how much or when or how -- no. It was a
11 long time ago.

12 Q. Do you recall receiving statements
13 from BLMIS in connection with your account?

14 A. I can't be certain when the statements
15 started. He was a very beginning business and so
16 was I. I don't know if he produced monthly
17 statements from back then. I have no recollection
18 when monthly statements began. It's -- I couldn't
19 even guess.

20 Q. At some point, monthly statements were
21 issued?

22 A. Yes.

23 Q. You have produced some of those to us;
24 correct?

25 A. Yes.

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2 Q. Did you ever dispute with anyone any
3 amounts reflected on those statements you received
4 from BLMIS?

5 A. No.

6 Q. And did you ever have reason to
7 believe that anything in those statements was
8 inaccurate?

9 A. No.

10 Q. Did you get withdrawals from --

11 A. Yes.

12 Q. -- your account?

13 Do you recall when you began receiving
14 withdrawals? Generally, even if it's a decade.

15 A. Oh, it's much more than that. We
16 probably -- my wife and I started withdrawals
17 probably ten years later, the 1970s or 1980s.

18 Q. And do you recall the nature of the
19 withdrawals?

20 A. Mostly it was income tax. We made a
21 substantial withdrawal April 1st of every year. We
22 made smaller withdrawals throughout the year.

23 Q. And do you recall how the withdrawals
24 were accomplished?

25 A. Yes. I was required to put in

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2 writing. And I would specify amount and they --
3 within two or three days, I had a check.

4 Q. I think we're on 4. Exhibit 4 I'm
5 going to hand you is a compilation from the account
6 maintenance files of BLMIS. And they purport to be
7 letters from you or your wife. I'm just going to
8 hand them to you and have you authenticate them,
9 Mr. Roman.

10 (R. Roman Exhibit 4, Bates Nos.
11 AMF00142982 through 927, 10/13/93 Letter to
12 Annette from Roman with attachments, marked
13 for identification.)

14 BY MR. PROAÑO:

15 Q. What I have done -- what we have done
16 is we've put the letters from the account
17 maintenance file at BLMIS in chronological order, so
18 I'd like you to take your time and flip through
19 them.

20 A. Well, on the first page, for example,
21 this is two addresses ago. Am I supposed to make a
22 correction on this form?

23 Q. Not yet. What I want you to do is
24 just take your time and flip through them. And I
25 want you to tell me, by the end of it, whether they

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2 appear to be copies of letters you sent or your wife
3 sent over the years to BLMIS.

4 (Witness peruses the exhibit.)

5 MS. CHAITMAN: He's not asking you to

6 verify anything. He's asking if these look
7 like the letters that you sent.

8 THE WITNESS: The letters look fine.

9 There's an account here I don't recognize.

10 BY MR. PROAÑO:

11 Q. Okay. So why don't we just start one
12 question at a time.

13 A. Okay. On page 4, counting -- there's
14 a letter dated May 16th --

15 Q. Okay.

16 A. -- from Madoff that reads "Joanne." I
17 assume they mean "Joan."

18 The fourth line down, "Robert Roman
19 IRA account," I have no recollection of having such
20 an account.

21 Q. The 1Z0 --

22 A. Yes.

23 Q. -- 15?

24 A. Yes.

25 Q. Okay. There was a Joan Roman IRA

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2 account?

3 A. I don't recall. You'll have to ask
4 her. I don't know.

5 MR. PROAÑO: And this is just for the
6 record. It's AMF00142976.

7 THE WITNESS: What number was that?

8 MS. CHAITMAN: It's the Bates number.

9 THE WITNESS: Okay.

10 BY MR. PROAÑO:

11 Q. Just to be clear, that May 16, 1997,
12 letter is from Joan Roman to a Joanne at BLMIS.

13 A. I am -- I'm going to guess that Joanne
14 did not prepare -- that Madoff prepared it and sent
15 it to Joan's signature. You'll have to ask her
16 that.

17 Q. Okay. You've had a chance to look at
18 these letters?

19 A. No, I'm not finished.

20 Q. Keep going. And when you're done,
21 just give me a heads-up and we'll go through these.

22 (Witness peruses the exhibit.)

23 A. On the next page, she refers to a
24 Robert Roman account R01483, and I don't see that on
25 page 4.

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2 Q. Yeah, remember looking back at that
3 Exhibit B? You see that?

4 A. Oh.

5 Q. Exhibit 3, I think it is.

6 A. Yes.

7 Q. And it has a line item at the
8 July 1997 line item --

9 A. Yes.

10 Q. -- that references some kind of --

11 A. It says, "Transferred from -- from
12 1R0031-1-0."

13 Q. Right.

14 A. And that -- that number is on page 4,
15 the second item.

16 Q. Correct.

17 A. But the fourth item I don't see. On
18 page 5, I don't see that number repeated.

19 Q. Right.

20 Now, this page 5, you're talking about
21 the December 22nd, 1997 --

22 A. Wait. Wait. Wait. There's a number
23 similar. I keep -- on this exhibit --

24 Q. Yes, Exhibit 3?

25 A. Yes.

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2 That 148-3, that is the number that's
3 on this form, except the dash 3 is missing.

4 Q. Correct.

5 A. Okay. Okay. So I apologize. I did

6 have such -- that account number was the -- the new
7 number. Okay. Except for the dash 3, they do
8 match.

9 (Witness peruses the exhibit.)

10 Q. So let's just clarify for the record.

11 If you look at the letter dated
12 May 16, 1997, which is AMF00142976, it references an
13 account in your name of R0031-1-0.

14 A. Yes, I recognize that.

15 Q. And that was an account you had at
16 BLMIS?

17 A. Yes.

18 Q. And then later, there was another
19 account that seemed to be the successor account --

20 A. Yes.

21 Q. -- which had a number of R0148?

22 A. Yes.

23 Q. And that was your account at BLMIS?

24 A. Yes.

25 (Witness peruses the exhibit.)

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2 A. On your page 142969, it does indicate
3 that those accounts beginning "ZW" were closed. So
4 it appears that for one or two years -- they existed
5 in 1993 and were closed in 1999. And I have

6 absolutely no recollection of that transaction,
7 opening or closing.

8 (Witness peruses the exhibit.)

9 A. There's a name here I don't recognize.
10 It's probably not material. Your page 142935, it
11 refers to a check sent to Citibank, to an account
12 rep, Chizuko Nishio. I have never seen that name
13 before. I don't know that person.

14 Q. Just going back to that page, it's got
15 a fax header with the name, "Robert Roman."

16 A. Yes.

17 Q. Was that a fax number you used,
18 (561)998-1390?

19 A. On that same page, I see an account
20 number. I assume that's a checking account number.
21 The fax number I have is -- her fax is (561)343240
22 [sic], which makes no sense. There's no phone
23 number like that. She's missing a digit.

24 I think what's happening -- it looks
25 to me like she left out a 7. One number is 347 and

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2 the other is 343240. So the fax number I'm going to
3 assume should have been 347.

4 But in any case, I don't recognize it.

5 Q. Does this look like a fax that you

6 sent around November -- I'm sorry -- November 16,
7 2005?

8 A. I can't be -- I'm trying to determine
9 who actually wrote "Please wire to my account."

10 MS. CHAITMAN: He's referring to this
11 on the top.

12 THE WITNESS: Oh, yes.

13 Oh, that number. I'm sorry.

14 BY MR. PROAÑO:

15 Q. Yes.

16 A. Yes, that's a familiar number to me.
17 I don't remember whether it's a phone number or a
18 fax number, but that number is familiar. It's no
19 longer a valid number, but I do recall the number.

20 Q. So this document, AMF00142935, appears
21 to be a copy of a fax --

22 A. Yes.

23 Q. -- you sent; is that correct?

24 A. Yes.

25 Q. Okay. If you keep flipping through.

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2 A. Okay.

3 (Witness peruses the exhibit.)

4 A. I think there's something -- I want to
5 study this page, 142930, because this letter is

6 dated September 11th. And it refers to my account
7 number, R0148. And as I read your Exhibit B, I
8 believe you call it, my account number was changed
9 on July 25, 1997, which would have been before
10 September --

11 Q. I think you're looking -- if you look
12 at the letter again, Mr. Roman --

13 A. Yes.

14 Q. -- September 11, 2007.

15 A. I'm sorry. I saw 1997.

16 Q. No problem.

17 A. Okay. It looked like a wrong account
18 number.

19 You're absolutely correct, that was
20 the correct number. In 1997, it did not change.
21 Okay.

22 (Witness peruses the exhibit.)

23 A. Yes, I don't -- I don't see anything
24 wrong.

25 Q. Okay.

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2 A. Other than what I've just spoken --

3 Q. So let's -- so the record's clear,
4 Exhibit 4 is a compilation of letters that either
5 you or your wife or you and your wife together sent

6 to BLMIS?

7 A. Yes.

8 Q. And the letters relate to accounts you
9 had at BLMIS?

10 A. Yes.

11 Q. And those letters that reflect
12 requests for withdrawals, is that the normal way you
13 would request withdrawals from your BLMIS accounts?

14 A. Yes.

15 Q. And did BLMIS ever refuse a withdrawal
16 request?

17 A. No.

18 Q. And so the withdrawals would have been
19 made to you or your wife pursuant to these
20 instructions?

21 A. Yes.

22 Q. Typically, how were those withdrawals
23 accomplished?

24 A. A check from BLMIS.

25 Q. Was there any other way the

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2 withdrawals would be accomplished?

3 A. No.

4 Q. And would the check be mailed to you?

5 A. Yes.

6 Q. And what did you do with the
7 withdrawal checks once you or your wife received
8 them?

9 A. They were deposited into our checking
10 account.

11 Q. Was it a joint account?

12 A. Yes.

13 Q. Do you recall if it was a Citibank
14 account in the later years?

15 A. I'm trying -- we did leave Citibank.
16 I'm trying to recall the exact year. It was
17 approximately 2009. I just don't remember from
18 memory when we switched banks. We left Citibank. I
19 wanted to go to a local Florida bank. I don't
20 recall the date. I'm going to -- I'm going to guess
21 2009.

22 Q. You had mentioned earlier that every
23 year you had a -- you or your wife asked for a
24 withdrawal around April --

25 A. Yes.

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2 Q. -- to pay taxes?

3 A. Yes.

4 Q. That withdrawal, was it made pursuant
5 to the customary way of sending you a check that you

6 would deposit in you and your wife's checking
7 account?

8 A. Yes.

9 Q. So that check would be deposited into
10 your bank account?

11 A. Yes.

12 Q. And then, from there, your testimony
13 is that you used that money to pay taxes?

14 A. It's -- most of that money. As a
15 percentage, probably 80 or 90 percent of it paid the
16 taxes. And the rest we used for personal expense.

17 Q. Then when you went to actually pay the
18 taxes, did you then issue a check from your checking
19 account to the governing authorities to pay the
20 taxes?

21 A. Yes.

22 Q. Did you ever ask BLMIS to send a check
23 directly to the IRS or any other taxing authorities
24 to pay taxes?

25 A. No. No.

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2 Q. Apart from the withdrawals you say
3 were meant to pay taxes, what was the money used
4 [sic] in connection with your other withdrawals?

5 MS. CHAITMAN: I'm going to object to
6 the -- to the question because it goes to
7 subsequent transfer issues, which the judge
8 has ruled are not relevant.

9 BY MR. PROAÑO:

10 Q. You may answer.

11 MS. CHAITMAN: I instruct him not to
12 answer.

13 BY MR. PROAÑO:

14 Q. You had mentioned earlier you had used
15 money for living expenses; is that accurate?

16 A. Yes.

17 Q. Did you ever -- the checks you
18 received from BLMIS, were they generally on a
19 quarterly basis?

20 A. No.

21 Q. Was it just ad hoc, whenever you
22 needed money?

23 A. Yes.

24 Q. I'm going to hand you Exhibit 5.

25

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2 (R. Roman Exhibit 5, No Bates numbers,
3 Responses and Objections, marked for
4 identification.)

5 BY MR. PROAÑO:

6 Q. And what I've handed you is a copy of
7 the Responses and Objections of Robert Roman to
8 Trustee's First Set of Requests for Admission.
9 Have you seen this document before
10 today?

11 A. I can't be certain. Would I have
12 received it -- I assume it would have gone to my
13 counsel, who would then forward it to me; is that
14 correct?

15 MS. CHAITMAN: You can't ask him a
16 question.

17 THE WITNESS: Okay.

18 MS. CHAITMAN: He asked you whether
19 you saw it. Just answer that question.

20 THE WITNESS: I can't be certain. I
21 can't be certain.

22 BY MR. PROAÑO:

23 Q. You would certainly, in any event,
24 rely on your counsel to respond to such requests?

25 A. I would rely on my counsel to make me

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2 aware that this exists, yes.

3 Q. And do you recall checking for
4 information to verify whether or not you had
5 received withdrawals from BLMIS?

6 A. Wait a minute. You're referring to
7 the last discussion, those withdrawal letters?

8 Q. Yes. And also the Exhibit B.

9 A. Yes. Yeah. Let me read this and see
10 if I can recall seeing it.

11 Q. I'm just going to point you to a
12 couple of them. We don't have to go through each
13 one.

14 A. Okay.

15 Q. There is -- Request No. 4, that
16 request says, "Admit that Column 4 of Exhibit B to
17 the complaint accurately reflects the deposits made
18 into the account."

19 Do you see that?

20 A. This is Exhibit B?

21 Q. Correct.

22 A. Your 002?

23 Q. Yes.

24 So you're holding Exhibit 3, which is
25 Exhibit B to our complaint. And that request for

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2 admission references that document.

3 A. Okay. Column 4. Specifically you're
4 referring to the column that begins 300,000?
5 Column 4 is "Cash Deposits."

6 Q. Column 4 is "Cash Deposits."

7 A. Yes.

8 I can't be certain of that.

9 Q. What you said and what your counsel
10 said in the response was "See answer to number 1."

11 A. Let me see what that was.

12 (Witness peruses the exhibit.)

13 A. It says --

14 Q. The answer to number 1 says, "Denied.
15 Responding party does not accept the term 'principal
16 balance'" --

17 A. All right. Now I understand.

18 Q. I'll continue reading the response.

19 It says, "Moreover" --

20 MS. CHAITMAN: You have to read the
21 full response.

22 THE WITNESS: Yeah.

23 "Verify deposits and withdrawals" --

24 yes. Okay. That was my response then and it
25 is still my response.

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2 BY MR. PROAÑO:

3 Q. So I'm just going to --

4 A. I understand.

5 Q. I'm going to say the response again so

6 the record's clear.

7 A. Okay.

8 Q. So when you responded to the request
9 or your counsel responded to the Request for
10 Admission No. 4, it referred back to the Response to
11 Request for Admission No. 1.

12 A. Yes.

13 Q. And the full response is, "Denied.
14 Responding party does not accept the term" --

15 A. Yes.

16 Q. -- "'principal balance'. Moreover,
17 responding party is unable to verify deposits and
18 withdrawals from 1960 to November 30, 2000.
19 Deposits and withdrawals from December 1, 2000
20 through December 22, 2008, are accurate."

21 A. Yes.

22 Q. Do you see that?

23 A. Yes. The response that you're quoting
24 is my response to the current question.

25 Q. So is the response I just quoted -- is

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2 that an accurate --

3 A. Yes.

4 Q. -- response?

5 A. Yes.

6 Q. You say you do not accept the term
7 "principal balance."

8 What do you mean by that?

9 A. If you go to Column 8, it leaves
10 off -- it says, "Balance of principal," and it's
11 blank. So I'm referring to the fact that I do not
12 accept that balance.

13 Q. So you're referring to the line -- the
14 row that's dated July 25, 1997?

15 A. Yes. July 25th fails to -- the
16 document filed November 26, 2010 -- I am objecting
17 to the fact that that transfer from the original
18 account was not included in Column 9.

19 Q. Just so we're clear of what you're
20 talking about --

21 A. Yes.

22 Q. -- you're referring to Exhibit 3,
23 which is Exhibit B to our complaint.

24 A. Yes.

25 Q. You're saying the row that's dated

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2 July 25, 1997, reflects, in Column 8, nothing --

3 A. Yes.

4 Q. -- for principal balance?

5 A. That is correct.

6 Q. And you believe that there should have
7 been something reflected in that row?

8 A. I believe the figure quoted in
9 Column 3 should be there. It's specific. It's not
10 something. It's specific, 1 million 239 dollars 795
11 dollars [sic].

12 Q. And you believe that on what basis?

13 A. That, as I testified earlier, my
14 account began approximately 1962. I could be off by
15 a year, '61 or '63. And between the opening and
16 1997, there was at least that much money in my
17 account.

18 Q. You say there's at least 1.2 million
19 in your --

20 A. That's correct.

21 Q. What evidence do you have that that
22 was --

23 A. I've already answered that question.
24 I can't -- I have searched for quite some time,
25 looking for documentation prior to 1997. As of

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2 today, I've not found any documentation.

3 Q. So as of today, you have not found any

4 documentation that the principal balance in your

5 BLMIS account should have been at least 1.2 million

6 as of July 25, 1997?

7 A. As of July 28, 1997, yes. When the --

8 the transfer should have occurred on July 25th and

9 it did not, according to Exhibit B -- or Exhibit 3.

10 Q. Just to ask, so the record's clear --

11 A. Yes.

12 Q. -- so as of today, you have not

13 located any evidence to substantiate your claim that

14 your account, as of July 25th, 1997, when you

15 received the transfer from 1R0031-1-0, should have

16 been at least 1.2 million?

17 A. Yes, that's correct. I have to

18 believe that someplace that evidence exists, even if

19 it's Internal Revenue. I don't know if they keep my

20 tax returns for 50 years. But it's worthwhile

21 making an effort, which I have not yet done, to find

22 that documentation. It's got to exist someplace.

23 Q. You haven't found it yet?

24 A. I haven't found it yet.

25 Q. And if you do find it, you'll

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2 certainly produce it to us?

3 A. Absolutely.

4 Q. Do you have any records that predate

5 1997 that reflect exactly how much you deposited

6 into your BLMIS accounts?

7 A. Sounds like the same question.

8 No, I don't.

9 Q. And do you have any records that
10 predate 1997 that reflect how much you withdrew from
11 your BLMIS accounts?

12 A. No. None have been located to date.

13 Q. Paul Konigsberg Wolf -- I'm sorry.

14 Paul Konigsberg of Konigsberg & [sic]
15 Wolf was your accountant for a period of time?

16 A. Yes.

17 Q. Do you recall for what time period?

18 A. Probably from 1962, maybe even
19 earlier. We were married in 1956, so my guess is he
20 was probably my accountant going all the way back to
21 1956. I don't recall the year that we stopped using
22 Mr. Konigsberg. I would hesitate to guess. It
23 could have been someplace in the 1990s.

24 Q. Did you ever have conversations with
25 Mr. Konigsberg about your BLMIS accounts?

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2 A. Yes.

3 Q. Do you recall the substance of those
4 conversations?

5 A. Nothing other than what was involved
6 in preparing my tax return.

7 Q. Did he ever raise any inaccuracies or
8 issues with you about your BLMIS accounts or
9 statements?

10 A. No.

11 Q. And Mr. Friehling was also your
12 accountant?

13 A. We -- when we discontinued with
14 Mr. Konigsberg, we went immediately with
15 Mr. Friehling.

16 Q. Same thing.
17 Did you discuss your BLMIS accounts
18 with Mr. Friehling?

19 A. I'm not certain I know what you mean
20 by the word "discuss."

21 Q. Have conversations with or --

22 A. Only as regards taxes.

23 Q. Only with respect to payment of taxes?

24 A. Only with respect to taxes.

25 Q. And did Mr. Friehling ever raise any

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2 concerns about inaccuracies or issues with your
3 accounts --

4 A. No.

5 Q. -- or statements?

6 A. No.

7 Q. And Norma Berkman, do you recognize
8 that name?

9 A. Yes.

10 Q. Was he [sic] an accountant for you or
11 Mrs. --

12 A. No, when I lost Mr. Friehling, we
13 switched to her. Norma Berkman became my accountant
14 after David Friehling was no longer my accountant.

15 Q. And do you remember when that
16 occurred?

17 A. February 2009, because he was no
18 longer able to prepare my 2008 return. And I needed
19 a new accountant real quick, so I found Norma
20 Berkman.

21 Q. Why wasn't he able to repair [sic]
22 your return?

23 A. He had a --

24 Q. Did you say "repair" or "prepare"?

25 A. "Prepare."

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2 He was no longer a CPA. He was
3 arrested.

4 Q. And did you ever have discussions with
5 Mr. Friehling about what occurred when fraud at
6 BLMIS was revealed?

7 A. No.

8 Q. Is --

9 (Reporter seeks clarification.)

10 BY MR. PROAÑO:

11 Q. Is Judah Ever your current accountant?

12 A. Yes. Norma Berkman was an employee of
13 his. She retired, so I stayed with the same firm.
14 But Norma Berkman and Judah Ever, it's essentially
15 the same -- it is the same firm.

16 Q. You're aware that Mr. Ever has
17 submitted a declaration in this case?

18 A. Yes.

19 Q. And did you help prepare that
20 declaration?

21 A. No.

22 Q. Did you provide Mr. Ever any
23 information for that declaration?

24 A. He never asked me for any assistance
25 of any sort.

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2 Q. You're aware that he was deposed in
3 this case?

4 A. Yes.

5 Q. And did you help him prepare?

6 A. No.

7 Q. Do you recall anyone else serving as
8 your accountant?

9 A. He has an employee now that is
10 actually my contact. I've never met Mr. Ever. I'm
11 trying to think of that gentleman's name. I see him
12 once a year. I can't recall his name. But I was
13 there several weeks ago doing my return for this
14 year. I can't recall his name. If I think of it
15 later, I'll be glad to give it to you.

16 THE WITNESS: Am I allowed to look at
17 my phone?

18 MS. CHAITMAN: You know what, the name
19 of your current accountant is not relevant to
20 any of the issues in the case.

21 THE WITNESS: Okay. Okay.

22 BY MR. PROAÑO:

23 Q. Do you plan to call any of your past
24 accountants as witnesses --

25 A. No.

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2 Q. -- in this case, if it goes to trial?

3 A. I will follow my counsel's advice. If
4 she says do it, I will do it.

5 MS. CHAITMAN: Well, Judah Ever may be

6 a witness. I assume you're not asking about
7 him. You've deposed him.

8 BY MR. PROAÑO:

9 Q. Other than Mr. Ever.

10 A. No.

11 MR. PROAÑO: Why don't we take a
12 five-minute break.

13 THE WITNESS: Sure.

14 THE VIDEOGRAPHER: It is 10:21 a.m.

15 We are going off the record.

16 (Recess from the record.)

17 THE VIDEOGRAPHER: It is 10:39 a.m.

18 We are back on the record.

19 BY MR. PROAÑO:

20 Q. We're going to go back to Exhibit 5.

21 These are your responses to the trustee's requests
22 for admissions.

23 A. Yes.

24 Q. I would like to point you to
25 number 15. The trustee asked you to admit that the

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2 withdrawal from your account made on or about
3 April 2, 2007, in the amount of 150,000 was a
4 transfer to or for your benefit.

5 Do you see that request?

6 A. Yes.

7 Q. And you said, I'm going to quote,
8 "Denied. That withdrawal was made to pay taxes at
9 short-term capital gains rates, and the IRS was the
10 sole beneficiary of that withdrawal."

11 Do you see that response?

12 A. Yes.

13 Q. You had testified earlier that when
14 you would get annual withdrawals to pay taxes, the
15 check would be made out to you from BLMIS --

16 A. Yes.

17 Q. -- you would deposit it in your
18 personal account, and then you'd make the payment to
19 the IRS.

20 A. Yes.

21 Q. Now, do you have any reason to dispute
22 that a withdrawal in the amount of \$150,000 was, in
23 fact, made on April 2nd, 2007, and a check was made
24 out to you?

25 A. Yes.

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2 Q. Do you have any reason --

3 A. Oh, the check was made out to me from
4 BLMIS, yes.

5 Q. And we're going to just show you that
6 check.

7 A. Yes.

8 (R. Roman Exhibit 6, Bates No.
9 JPMSAF0055291, Check, marked for
10 identification.)

11 BY MR. PROAÑO:

12 Q. I've handed you what has been marked
13 as Exhibit 6. And it is a check from BLMIS dated
14 April 2, 2007, in the amount of \$150,000. This one
15 is made out to Ms. Roman.

16 A. Yes.

17 Q. Then there's another check, which I'm
18 going to hand you.

19 MS. CHAITMAN: I just want to correct
20 one thing. The check is actually drawn on
21 the account of Bernard L. Madoff. It's
22 actually not BLMIS.

23 BY MR. PROAÑO:

24 Q. I'm handing you what's being marked as
25 Exhibit 7.

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2 (R. Roman Exhibit 7, Bates No.

3 JPMSAF0055292, Check, marked for

4 identification.)

5 MR. PROAÑO: And this is a check dated

6 April 2, 2007, made out to Robert Roman in

7 the amount of \$150,000.

8 BY MR. PROAÑO:

9 Q. Do you see that Exhibit 7?

10 A. Yes.

11 Q. Next I'm going to hand you a copy of

12 your monthly bank statement from Citibank, Account

13 No. 3105156720, in the name of Robert Roman and Joan

14 Roman marked as Exhibit 8.

15 (R. Roman Exhibit 8, Bates Nos.

16 CITI_ROMAN00000253 through 257, Citibank

17 Statement, marked for identification.)

18 BY MR. PROAÑO:

19 Q. Let me know when you're ready,

20 Mr. Roman.

21 A. Yes.

22 (Witness peruses the exhibits.)

23 Q. So going back to Exhibit 6 --

24 A. I was just looking for that specific

25 check on the deposit. I assume it's in here.

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2 Q. If you look at deposit -- there's a
3 deposit made on April 5th on page 2 of your bank
4 account, which is Exhibit --

5 A. Yes, 300,000.

6 Q. 300,000.

7 A. There it is. Okay.

8 Q. Just so we're clear, Exhibits 6 and 7
9 reflect withdrawals made by you or your wife from
10 your BLMIS accounts; is that correct?

11 A. Yes.

12 Q. And those checks are made out to you
13 or your wife?

14 A. Yes.

15 Q. And there's a copy of the back of the
16 check. And there's a signature that appears to be
17 yours on Exhibit 7 and a signature that appears to
18 be your wife's on Exhibit 6.

19 Does that appear to be your
20 signatures?

21 A. Yes.

22 Q. And were these checks deposited in
23 your personal checking account at Citibank?

24 A. Yes.

25 Q. And were those checks reflected on

1 Robert Roman

2 that account in the deposit transaction dated
3 April 5th, 2007, in the amount of \$300,000?

4 A. Yes.

5 Q. And, finally, does Exhibit 8 appear to
6 be a copy of your bank statement for the period of
7 March 12 through April 9, 2007?

8 (Witness peruses the exhibit.)

9 A. This form does not give the -- okay.
10 It only gives the amounts. It doesn't say -- it's
11 not as it is in this exhibit where it's the actual
12 check. This doesn't give me the exact check.

13 Q. You're talking about Exhibit 8 --

14 A. I'm talking about Exhibit 8 does not
15 give me nearly as much information as Exhibits 6 and
16 7 because it's the actual check.

17 Q. Sure.

18 A. So in Exhibit 8, all I have is totals.

19 Q. Correct.

20 A. I don't know to whom and for what
21 and --

22 Q. Sure.

23 A. Okay.

24 Q. Now, Exhibit 8, I just want to know if
25 that looks like it's a copy of your --

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2 A. Oh, yes, it's -- without having the
3 exact checks, I would have to say, yes, it looks
4 accurate, but it would be a lot better if I had all
5 of these specific checks. Then I could be much more
6 certain.

7 Q. I guess all I want to know is, does
8 Exhibit 8 appear to be a copy of the bank statement
9 for your joint checking account with your wife --

10 A. Yes.

11 Q. -- for the period of March through
12 April of 2007?

13 A. Yes, it appears to be. What I can't
14 verify is every transaction unless I had this
15 document.

16 Q. I'm not asking you to verify every
17 transaction.

18 A. Okay.

19 Q. We did verify the \$300,000
20 transaction.

21 A. Yes.

22 Q. If you look back at Exhibit 5 -- and
23 you can put those other ones to the side for now.
24 Exhibit 5 is your requests for admissions.

25 A. 1, 2, 3, 4, 5. Okay.

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2 Q. And the trustee asked you to admit
3 that the withdrawal from the account -- from your
4 account made on or about March 19, 2008, in the
5 amount of \$125,000 was a transfer to you --

6 A. Which specific question number are you
7 looking at?

8 Q. Number 21.

9 A. That's what I -- okay. 21.

10 Q. So just so the record's clear,
11 Exhibit [sic] 21, the trustee asked you to admit
12 that the withdrawal from the account made on or
13 about March 19, 2008, in the amount of 125,000 was a
14 transfer to or for your benefit.

15 Do you see that?

16 A. Yes. When you say for my "benefit,"
17 it was the benefit of Internal Revenue.

18 Q. That's what I meant --

19 A. When I say for my benefit, it was for
20 my benefit in the sense that I was paying my taxes.
21 Okay.

22 Q. What you say --

23 MS. CHAITMAN: Bob, where it says 21,
24 that's the trustee's language. What's in
25 bold is our language.

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2 THE WITNESS: Okay.

3 BY MR. PROAÑO:

4 Q. And your language says, "Denied. The

5 withdrawal -- that withdrawal was made to pay taxes

6 at short-term capital gains rates and the IRS was

7 the sole" --

8 A. Okay. I just want to discuss this one

9 thing with Helen.

10 THE WITNESS: When I look at --

11 BY MR. PROAÑO:

12 Q. Actually --

13 A. No, because it does say in the

14 question "transfer to or for the benefit of Robert

15 Roman" --

16 MS. CHAITMAN: They're asking us to

17 say admit or deny it, and we're denying it.

18 THE WITNESS: Okay. And I'm just

19 saying that I want to clarify the word

20 "benefit." That's what I'm saying.

21 MS. CHAITMAN: Okay. But that's their

22 language. It's not --

23 THE WITNESS: Okay.

24 BY MR. PROAÑO:

25 Q. So you admit that the transfer was

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2 made to you?

3 A. Yes.

4 Q. Your position is that it wasn't for
5 your benefit.

6 A. It was for my benefit, to the extent
7 that I was paying my taxes.

8 Q. Okay.

9 A. But it wasn't -- I didn't financially
10 gain from it; I just paid my taxes.

11 Q. Now, let's look -- we'll try to do
12 this is a little quicker, though.

13 MR. PROAÑO: We'll mark 9, 10 and 11.

14 (R. Roman Exhibit 9, Bates No.

15 JPMSAF0065285, Check, marked for
16 identification.)

17 (R. Roman Exhibit 10, Bates No.

18 JPMSAF0065284, Check, marked for
19 identification.)

20 (R. Roman Exhibit 11, Bates Nos.

21 CITI_ROMAN000000035 through 39, Citibank
22 Statement, marked for identification.)

23 BY MR. PROAÑO:

24 Q. I've handed you what's been marked as
25 Exhibits 9, 10, and 11.

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2 MR. PROAÑO: Just so the record's
3 clear, Exhibit 9 is a copy of a check made
4 out to Mr. Roman for \$125,000 on or about --
5 it's dated March 19, 2008.

6 Exhibit 10 is a copy of a check made
7 out to Joan Roman on March 19, 2008, in the
8 amount of \$150,000.

9 And Exhibit 11 is a copy of a bank
10 statement for the month of March through
11 April of 2008, for Citibank Account
12 3178331846 in the name of Robert Roman and
13 Joan Roman.

14 BY MR. PROAÑO:

15 Q. Have you had a chance to look at --

16 A. Yes.

17 Q. -- these documents?

18 Do Exhibits 9 and 10 reflect
19 withdrawals that you or your wife made from your
20 BLMIS accounts?

21 MS. CHAITMAN: I'm going to object
22 again because these were not drawn on the
23 BLMIS account. These were drawn on Madoff's
24 account. So I just want the record to be
25 clear that I think your question was

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2 inaccurate.

3 (Witness peruses the exhibits.)

4 BY MR. PROAÑO:

5 Q. If you're trying to find -- I'll come

6 back to the checks here in a second. If you're
7 trying to find where these deposits are reflected --

8 A. Yes, I see --

9 Q. -- there's a deposit for \$275,000.

10 It's on page 3 of the statement.

11 A. That's what I'm looking --

12 Q. That is April -- I'm sorry.

13 March 25th. Deposit with a teller at 1:57 p.m. in
14 the amount of \$275,000.

15 A. I don't have that.

16 Q. Do you see that?

17 A. No.

18 Q. Look at the next page. Page No.

19 CITI_ROMAN 37.

20 A. 37.

21 Q. Very bottom.

22 A. Yes. March 25th. 275,000.

23 Q. So on March 25th, 2008, you or your
24 wife deposited into your personal checking account
25 \$275,000?

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2 A. That's correct.

3 Q. And the deposit was constituted of the
4 checks that are marked as Exhibits 9 and 10?

5 A. Yes.

6 Q. Now, you didn't have an account with
7 Bernie Madoff personally, did you; you had it with
8 BLMIS?

9 A. That's correct.

10 Q. So was there -- when you received
11 withdrawals from your account, did you understand
12 that they came from BLMIS --

13 A. Yes.

14 Q. -- and not Bernie Madoff personally?

15 A. Yes.

16 Q. So Exhibit 9 and 10, do they reflect
17 withdrawals that you and your wife made from your
18 BLMIS accounts on March 19, 2008?

19 A. We did not question it at the time.
20 These checks appear to be personal checks. It was
21 not questioned at the time by either myself or my
22 wife, but it clearly does not say "BLMIS" on the
23 check.

24 Q. And you believed when you received
25 these checks that they came from BLMIS?

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2 A. It was my belief that it came from
3 BLMIS.

4 Q. And these checks were deposited into
5 your joint bank account with your wife?

6 A. Yes.

7 Q. And is Exhibit 11 a copy of the bank
8 statement for the period of March through
9 April 2008?

10 A. Yes, it appears to be accurate.

11 Q. And that's the joint bank statement
12 you held with your wife at Citibank?

13 A. Yes.

14 Q. Did you ever contact anyone at BLMIS
15 or did you contact Mr. Madoff and ask him why his
16 checks to you and your wife were labeled "Bernard L.
17 Madoff"?

18 A. No, I did not.

19 Q. Have you stayed in touch with
20 Mr. Madoff since his arrest?

21 A. No. I -- I had approximately three
22 letters --

23 MS. CHAITMAN: I'm going to -- if
24 these are letters that were sent at my
25 instigation, I'm going to instruct you not to

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1 Robert Roman

2 testify about them. If it's something else,
3 you should testify about it.

4 THE WITNESS: No, I had -- other than
5 her exception, I had no contact with him.

6 BY MR. PROAÑO:

7 Q. Okay. So let's make sure we're clear
8 on the record.

9 You had three letters with Mr. Madoff?

10 A. Yes.

11 Q. And these are letters you sent to him?

12 A. Yes.

13 Q. And did you receive any response to
14 those letters?

15 A. Yes.

16 Q. Did Mr. Madoff send you letters back?

17 A. He -- I was asking certain questions
18 via a letter. He corrected what I had sent to him
19 and he sent it back to me.

20 Q. And do you remember how many responses
21 he sent to you?

22 A. I'm going to estimate three. I
23 believe -- I sent him my first letter asking him
24 certain things --

25 MS. CHAITMAN: I don't want you to

1 Robert Roman

2 testify -- if this relates to anything that I
3 asked you to communicate with Mr. Madoff, the
4 judge has ruled --

5 THE WITNESS: Okay.

6 MS. CHAITMAN: -- it's work product
7 and it's not discoverable.

8 THE WITNESS: Fine.

9 MS. CHAITMAN: So if it's something
10 else, you should testify to it, but, please,
11 do not testify about communications that were
12 done on my behalf.

13 MR. PROAÑO: I'm not sure the judge
14 has actually made that ruling, but I --

15 THE WITNESS: Okay. I had --

16 MS. CHAITMAN: I'm going to instruct
17 him not to answer.

18 BY MR. PROAÑO:

19 Q. Do you still have copies of these
20 letters that you sent to Mr. Madoff?

21 A. I don't think so. I may have. I
22 certainly don't have them here.

23 Q. Did you provide your counsel with any
24 copies of letters you sent to or received from
25 Mr. Madoff?

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1 Robert Roman

2 A. Yes.

3 Q. Do you still have personal possession
4 of any letters you received from Mr. Madoff?

5 A. There were no personal letters. The

6 letters were -- were legal letter -- legal
7 procedures. Have nothing to do with personal.

8 Q. Apart from these three letters that
9 you sent to Mr. Madoff and you said approximately
10 three you received back from him, have you had any
11 other contact with Mr. Madoff?

12 A. No.

13 Q. And that includes e-mail or telephone
14 calls. Any other contact?

15 A. That's correct.

16 Q. And has your wife ever sent any
17 letters to Mr. Madoff since his arrest?

18 A. My guess is no.

19 Q. You would have known if she had?

20 A. I most likely would have known if she
21 had written, yes.

22 Q. And do you know if your wife has had
23 any other contact with Mr. Madoff since his arrest?

24 A. I'm not aware of any, no.

25 Q. You believe you would know if she did?

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1 Robert Roman

2 A. Not necessarily.

3 Q. Do you and your wife stay in touch
4 with Ruth Madoff?

5 A. Yes.

6 Q. And have you discussed your specific
7 case with Ruth Madoff?

8 A. I don't know what you mean by
9 "discussed." In a social atmosphere, yes. Not in a
10 legal sense, no. But she's aware of today's
11 proceedings. That sort of contact, yes.

12 Q. Were the three letters that you sent
13 to Mr. Madoff -- did you do those at your counsel's
14 request?

15 A. Yes.

16 Q. I'm going to ask you to testify what
17 was said in each letter to Mr. Madoff.

18 MS. CHAITMAN: I instruct you not to
19 answer.

20 BY MR. PROAÑO:

21 Q. I'm going to ask the question so we
22 have the record preserved.

23 A. On the advice of counsel, I will not
24 answer.

25 Q. What did you tell Mr. Madoff in your

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1 Robert Roman

2 letters?

3 MS. CHAITMAN: Same instructions.

4 THE WITNESS: Same --

5 MS. CHAITMAN: Same instructions.

6 BY MR. PROAÑO:

7 Q. You're being instructed not to answer?

8 A. That is correct.

9 Q. And what was the substance of the
10 communications to Mr. Madoff?

11 A. Same answer.

12 Q. Were the letters sent to Mr. Madoff at
13 his prison?

14 A. By me, yes.

15 Q. Was there anyone else copied on the
16 letter or letters?

17 A. The response -- the letters I wrote to
18 Mr. Madoff, nobody got -- nobody except him got
19 my -- got that.

20 Q. And the letters were mailed by you
21 personally?

22 A. I personally mailed them to his
23 prison, yes.

24 Q. And the responses you received from
25 Mr. Madoff, were they sent only to you?

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1 Robert Roman

2 A. Yes.

3 Q. And were they letters that were
4 first-class mail?

5 A. Yes.

6 Q. And they were delivered to your home
7 address?

8 A. Yes.

9 Q. Did he copy anyone else on the
10 letters, to your knowledge?

11 A. No. Not to the best of my knowledge,
12 he didn't.

13 MR. PROAÑO: We're going to -- I'm
14 just going to put this on the record. We're
15 going to reserve the right to come back to
16 this line of questioning if we need to if we
17 get copies of those letters.

18 THE WITNESS: Sure.

19 MR. PROAÑO: Ms. Chaitman, just so the
20 record's clear, your instruction not to --
21 instruction to your client not to answer my
22 questions regarding the substance of the
23 letters to Mr. Madoff or the responses, is
24 that based on -- which doctrine?

25 MS. CHAITMAN: It's work product. And

1 Robert Roman

2 the judge -- your firm made a request for a
3 conference on it. The judge indicated that
4 he believed it was work product. And he said
5 if you wanted to make a motion, you were free
6 to make a motion and, to date, no motion has
7 been filed.

8 MR. PROAÑO: I'm sorry. What was the
9 last part?

10 MS. CHAITMAN: To date no motion has
11 been filed. That conference was at least six
12 months ago, to the best of my recollection.

13 BY MR. PROAÑO:

14 Q. I'm handing you what's marked as
15 Exhibit 12.

16 (R. Roman Exhibit 12, No Bates
17 numbers, Responses and Objections, marked for
18 identification.)

19 MR. PROAÑO: Exhibit 12 is a copy of
20 the Responses and Objections of Defendant
21 Robert Roman to Trustee's First Set of
22 Interrogatories.

23 BY MR. PROAÑO:

24 Q. I'm going to ask you to turn to the
25 third-to-last page. It is a verification page. One

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1 Robert Roman

2 more page.

3 Do you see that page there?

4 A. Yes.

5 Q. Is that your signature at the bottom

6 of the verification page?

7 A. Yes.

8 Q. And if you turn to Interrogatory

9 No. 4, that interrogatory asks you to "Identify each
10 person with knowledge of any transfer, the
11 circumstances under which each person obtained such
12 knowledge and the substance of that person's
13 knowledge."

14 Do you see that?

15 A. I see that question, too, yes.

16 Q. And you identified, "Annette
17 Bongiorno, Bernie Madoff and possibly other Madoff
18 employees."

19 Do you see that?

20 A. Yes.

21 Q. And what information do you believe
22 Annette Bongiorno has that is relevant to this case?

23 A. She knew of my deposits and
24 withdrawals.

25 Q. Any other information?

1 Robert Roman

2 A. No.

3 Q. And how about Mr. Madoff?

4 A. I would have no idea if she informed
5 him of my deposits and withdrawals.

6 Q. And you understand that Ms. Bongiorno
7 is in federal prison?

8 A. Yes.

9 Q. Have you had any discussions with her
10 about your case?

11 A. No.

12 Q. Have you had any contact with her
13 since --

14 A. No.

15 Q. -- the BLMIS fraud was exposed?

16 A. No.

17 Q. Do you know if your counsel has been
18 in touch with Ms. Bongiorno?

19 A. I have no knowledge of that.

20 Q. Did you ever ask her to do so?

21 A. No.

22 Q. Have you heard of a gentleman named
23 Steven Maslow?

24 A. I know that name. I don't think I
25 ever met the gentleman, but I know that name.

1 Robert Roman

2 Q. And do you know if Mr. Maslow has any
3 knowledge or information relevant to your case?

4 A. I don't. He certainly would not -- he
5 would know of -- I recall that name from 50 years

6 ago, and I don't even remember the context. I have
7 no idea who he is associated with, whether it was
8 Madoff or somebody else. All I know is I have heard
9 that name, but that was 50 years ago.

10 Q. And you don't know whether or not
11 he's -- you have no personal knowledge of whether or
12 not he has --

13 A. My best guess is I've never met the
14 man, yes.

15 Q. Just so I finish my question.

16 A. Okay.

17 Q. You don't have any personal knowledge
18 of any facts he would have relevant to your case?

19 A. No.

20 Q. Other than the individuals we just
21 discussed, do you intend to call any other witnesses
22 at the trial of this matter?

23 MS. CHAITMAN: I'm just going to
24 object because that's actually a decision
25 that I, as his trial counsel, will make. And

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1 Robert Roman

2 I don't know that the witness is -- he's
3 perfectly free to answer, but I don't think
4 he has any --

5 MR. PROAÑO: Let me rephrase.

6 BY MR. PROAÑO:

7 Q. Other than Annette Bongiorno,
8 Mr. Madoff and Steven Maslow, which is someone your
9 counsel has identified as a potential witness, do
10 you know of any other individuals, sitting here
11 today, that have knowledge of facts relevant to your
12 case?

13 A. There are other -- it says so in my
14 answer. It says, "and possibly other Madoff
15 employees."

16 Q. Is there any you can specifically
17 name, sitting here today, that --

18 A. I don't know if I should do that. I
19 know the people who handled my monthly statements,
20 and that's as far as I care to go. I don't know if
21 I'm -- it's proper to name names or not or --

22 Q. Let me ask you this --

23 A. This -- it says, "and possibly other
24 Madoff employees."

25 I'll stand by that answer, "possibly

1 Robert Roman

2 other Madoff employees."

3 Q. Understood.

4 Who do you recall dealing with you on
5 your BLMIS accounts over the years?

6 A. The only person I ever talked to was
7 Annette when I would direct my letters to her,
8 deposits and withdrawals. And the only other
9 contact I had in that office was Frank DiPascali.
10 And when I could not reach Frank -- I would talk to
11 Frank only as to withdrawals -- deposits and
12 withdrawals. I had no other conversations with
13 either one of them except for deposits and
14 withdrawals.

15 So the answer is, yes, he probably
16 knew about some of my deposits and withdrawals.

17 Q. Have you had any discussions with
18 Frank --

19 A. No.

20 Q. -- since the fraud was exposed?

21 A. No. I understand he's deceased.

22 Q. Did you have any discussions with
23 Frank after the fraud was exposed?

24 A. No.

25 Q. Going back to Exhibit 12 before you,

1 Robert Roman

2 just the document you have right in front of you
3 there. I'm going to direct your attention to
4 another portion of that.

5 If you look at the bottom of page 6,

6 and it's Interrogatory No. 13. And what the
7 interrogatory -- I'm going to paraphrase it --
8 essentially asks is for you to identify the basis
9 for your affirmative defenses in your complaint.
10 We're just going to go through a couple of these.

11 A. Well, I answered that my defenses are
12 based on legal arguments.

13 Q. Correct.

14 What I want you to know -- maybe we
15 can short-circuit this part of the examination.

16 But if you look at Subparts A through
17 F --

18 Do you see that?

19 A. Yes.

20 Q. -- here you talk about some of the
21 defenses you raised to our claims; is that correct?

22 A. Let me read this.

23 (Witness peruses the exhibit.)

24 A. I have read the Answers A through F.

25 And I agree and concur with whatever -- with my

1 Robert Roman

2 answers at that time. I will stand by those
3 answers.

4 Q. Could you describe for me what
5 documents you have supporting Affirmative Defenses A
6 through F, the ones you describe in your Responses A
7 through F.

8 A. Well, it begins with it's based on
9 legal arguments. They're not my arguments.
10 They're -- so I have read my attorney's documents
11 and I've agreed with them. So I've read most of --
12 I shouldn't say most because I have no idea what her
13 total is. But the documents that she sent to me --
14 based on those legal arguments that she made, I'm
15 agreeing with in A through F.

16 Q. I guess, sitting here today, do you
17 have specific recollection of specific documents
18 that support these defenses? That's what I'm
19 asking.

20 A. I would have some. I have no idea the
21 total. I did keep -- where it says "Legal
22 arguments," when she would present a document, in
23 some cases --

24 MS. CHAITMAN: If you're talking about
25 court papers --

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1 Robert Roman

2 THE WITNESS: Yes.

3 MS. CHAITMAN: Yes. Okay.

4 Just clarify the question.

5 BY MR. PROAÑO:

6 Q. I'll clarify it.

7 A. Okay.

8 Q. I'm talking about not documents your
9 counsel has generated or written --

10 A. That's all I have.

11 Q. Okay. So apart from, for example,
12 briefs or arguments your counsel --

13 A. No.

14 Q. -- has made, do you have any
15 documents --

16 A. No.

17 Q. -- that you have to support these
18 defenses?

19 A. No. When you say do I "have," my
20 counsel has provided documentation and I concur with
21 that procedure.

22 Q. But sitting here --

23 A. So to the extent that she gave them to
24 you, i.e., I gave them to you.

25 MS. CHAITMAN: I can represent that I

1 Robert Roman

2 don't believe he has anything. I mean, this
3 is stuff we're getting in discovery from the
4 trustee, but --

5 MR. PROAÑO: Okay.

6 MS. CHAITMAN: He's asking about
7 evidence which is like the underlying Madoff
8 documents.

9 THE WITNESS: I have no basics -- I
10 have -- I have no documents that leads to her
11 conclusions.

12 BY MR. PROAÑO:

13 Q. And when you say "her conclusions,"
14 you're --

15 A. Her response -- the suggested
16 response -- that she gave me as suggested response,
17 this answer is -- not response, answer. And I read
18 it carefully, I understood it, and I have no
19 objection to it. It's right. It's correct.

20 Q. But you don't have any documents that
21 support --

22 A. No.

23 Q. -- these conclusions?

24 A. No.

25 Q. When I say "these conclusions," we're

1 Robert Roman

2 referring to Subparts A through F --

3 A. Yes.

4 Q. -- of your response to --

5 A. Yes.

6 Q. -- number 13?

7 A. No, I have no documentation from which
8 she drew her conclusions.

9 Q. Now, other than cash deposited over
10 the years by you and your wife with BLMIS, did you
11 give anything else of value to BLMIS?

12 A. No.

13 Q. And if you look at Interrogatory 14 on
14 page 7, the trustee asked you to "Identify the basis
15 for your contention that the term 'principal
16 balance' as used in the trustee's Request for
17 Admission No. 1 is unacceptable."

18 And you have an answer there -- you
19 basically say the entire balance is principal, a
20 hundred percent.

21 Do you see that?

22 A. I want to go back to number 1.

23 Yes.

24 Q. This is number 1 of another document.

25 A. Oh.

1 Robert Roman

2 (Witness peruses the exhibit.)

3 Q. I guess what I'm trying to do is see
4 if that question relates to the same issue we had
5 already discussed --

6 A. Yes.

7 Q. -- about your belief or your position
8 that the transaction from your old account into
9 your --

10 A. Yes.

11 Q. -- more recent account should reflect
12 at some principal.

13 A. Yes.

14 Q. That's what this answer relates to?

15 A. Yes. If it relates to what we
16 discussed earlier, about that balance of 1,200,000
17 being carried over, yes. The answer to your
18 question is, yes.

19 Q. I think we're almost done.

20 A. The answer that I gave you --

21 MS. CHAITMAN: There's no question
22 pending.

23 THE WITNESS: Okay.

24 BY MR. PROAÑO:

25 Q. Did your -- do you recall -- your

1 Robert Roman

2 BLMIS statements sent to you over the years, did it
3 reflect the withdrawals you took from your account?

4 A. Yes.

5 Q. And did you ever dispute the accuracy
6 of what was reflected in those statements?

7 A. No.

8 (Discussion off the record.)

9 Q. I'm going to ask you to get this
10 Exhibit 3 back in front of you. That's the chart
11 that shows the transactions in your Account 1R0148.

12 Do you see that?

13 And you had previously admitted that
14 this Exhibit B is accurate in terms of the
15 withdrawals and deposits, to the best of your
16 knowledge, from December 1, 2000, but you didn't
17 have any records to verify the prior transactions.

18 Does that sound accurate?

19 A. That sounds accurate. At the present
20 time, I'm unable to locate records prior to 2000.

21 Q. And I'm going to show you copies of
22 three checks dated April 1999, July 1999 and
23 June 2000, that reflect withdrawals of 160,000;
24 50,000; and 50,000, respectively.

25

1 Robert Roman

2 (R. Roman Exhibit 13, No Bates
3 numbers, Collection of Checks, marked for
4 identification.)

5 MR. PROAÑO: It's Exhibit 13.

6 (Witness peruses the exhibit.)

7 MS. CHAITMAN: So this is just
8 Exhibit 13?

9 MR. PROAÑO: Yes. Correct.

10 MS. CHAITMAN: Okay.

11 BY MR. PROAÑO:

12 Q. Have you had a chance to look at this?

13 A. Yes.

14 Q. Does Exhibit 13 reflect copies of
15 checks that were sent to you -- strike that.

16 Does Exhibit 13 reflect withdrawals
17 made by you or your wife?

18 A. Yes.

19 Q. And do they reflect withdrawals made
20 on or about April 7, 1999; July 8, 1999; and June 8,
21 2000?

22 A. Yes.

23 Q. And were the amounts reflected on
24 these checks received by you or your wife?

25 A. Yes.

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1 Robert Roman

2 Q. And were they deposited into your
3 joint bank account?

4 A. Yes.

5 Q. And do those amounts and those dates

6 correspond with Exhibit B to the complaint, which is
7 marked as Exhibit 3 to this deposition, the line
8 items dated April 7, 1999 for 160,000; July 8, 1999,
9 for 50,000; and June 8, 2000 for 50,000?

10 A. These -- Exhibit 13 does appear to
11 correlate perfectly with those three lines on
12 Exhibit B.

13 Q. So can we now agree that you received
14 the withdrawals reflected on Exhibit B dated
15 April 7, 1999 for 160,000; July 8, 1999, for 50,000;
16 and June 8, 2000, for 50,000?

17 A. Yes.

18 Q. I'm going want to reserve the balance
19 of my time in the event we need to come back here
20 and ask you about those Madoff letters, but other
21 than that, we're going to adjourn the deposition for
22 now.

23 MS. CHAITMAN: Okay. All right. I
24 think that Joan may be here, so -- I don't
25 know how long a break you want to take,

1

2 but --

3 MR. PROAÑO: However long you want.

4 MR. CROOK: Ten, fifteen minutes would

5 probably be good.

6 MS. CHAITMAN: Okay. Let me just make
7 sure she's here.

8 MR. PROAÑO: Let's go ahead and get
9 off the record before we get up.

10 THE VIDEOGRAPHER: It is 11:21 a.m.
11 We are going off the record.

12 (Examination concluded.)

13

14

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25

1

2 STATE OF NEW YORK)

3 ss:

4 COUNTY OF WESTCHESTER)

5

6

7 I, ROBERT ROMAN, the witness herein,
8 having read the foregoing testimony of the pages of
9 this deposition, do hereby certify it to be a true
10 and correct transcript, subject to the correction,
11 if any, shown on the attached page.

12

13 oOo

14

15

16

17

ROBERT ROMAN

18

19

20

21 Subscribed and sworn before me

22 this ____ day of _____, 2017

23 _____

24

I N D E X

25

WITNESS

EXAMINATION BY

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1

2

ROBERT ROMAN

3

4

MR. PROAÑO

5

5

E X H I B I T S

6

R. ROMAN

PAGE

7

8

Exhibit 1

No Bates numbers,

6

9

Undertaking and Consent to

10

be Bound

11

Exhibit 2

No Bates numbers, Revised

8

12

Notice of Deposition

13

Exhibit 3

Bates Nos.

9

14

MADC0959_00000002,

15

Spreadsheet

16

Exhibit 4

Bates Nos. AMF00142982

18

17

through 927, 10/13/93

18

Letter to Annette from

19

Roman with attachments

20

Exhibit 5

No Bates numbers, Responses 30

21

and Objections

22

Exhibit 6

Bates No. JPMSAF0055291,

44

23

Check

24

Exhibit 7

Bates No. JPMSAF0055292,

45

25

Check

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1

2 (Continued)

3 E X H I B I T S

4 Exhibit 8 Bates Nos. 45

5 CITI_ROMAN00000253 through

6 257, Citibank Statement

7 Exhibit 9 Bates No. JPMSAF0065285, 51

8 Check

9 Exhibit 10 Bates No. JPMSAF0065284, 51

10 Check

11 Exhibit 11 Bates Nos. 51

12 CITI_ROMAN000000035 through

13 39, Citibank Statement

14 Exhibit 12 No Bates numbers, Responses 62

15 and Objections

16 Exhibit 13 No Bates numbers, 75

17 Collection of Checks

18

19

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1

2

ERRATA SHEET

3

4

I wish to make the following changes

5

for the following reasons:

6

7

PAGE	LINE(S)	CHANGE	REASON
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18

19

ROBERT ROMAN

20

Subscribed and sworn to before me

21

this _____ day of _____, 2017.

22

23

_____	MY COMMISSION EXPIRES:
-------	------------------------

24

(NOTARY PUBLIC)

25

1

2

C E R T I F I C A T E

3

4

STATE OF NEW YORK)

5

) ss:

6

COUNTY OF WESTCHESTER)

7

8

I, Eileen Mulvenna, CSR/RMR/CRR and a

9

notary public within and for the State of New York,

10

do hereby certify:

11

That I reported the proceedings in the

12

within-entitled matter, and that the within

13

transcript is a true record of such proceedings.

14

I further certify that I am not related by

15

blood or marriage to any of the parties in this

16

matter and that I am in no way interested in the

17

outcome of the matter.

18

IN WITNESS WHEREOF, I have hereunto set my

19

hand this 23rd day of May, 2017.

20

21

Eileen Mulvenna, CSR/RMR/CRR

22

23

24

25

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